IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7409 of 2005

Between:

1 Gandhiraju, Vijaya Krishna Raju, S/o. Late

Satyanarayana Raju, R/o. Flat No. 203, Indira

Residency, Balazeenagar, CBM Compound,
Visakhapatnam.
2 Gandhiraju, Radha Krishna Raju, S/o. Rama Raju,
R/o. D.No. 50-1-41/5, A.S.R. Nagar, Seethammadhara,
A.S.R. Nagar, Seethammadhara, Visakhapatnam - 13.
3 N. Nageswara Raju, S/o. N. Venkata Narayana Raju,
R/o. MMTC Colony, Seethammadhara,
Visakhapatnam.
4 K. Seeta Rama Raju, S/o. K. Bangarraju,
R/o. D.No. 1-293, Dayal Nagar, Visakhapatnam - 43.

..... PETITIONERS

AND

-

1 The District Collector, Visakhapatnam District.
2 The Mandal Revenue Officer, Chinagadili Mandal,

Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ order or direction, declaring the action of the respondents herein in interfering with the peaceful possession of the petitioner property in Survey No. 156/1 to an extent of Ac. 0-74 Cents (or) 0.299 Hectors and the land in Survey No. 156/2 to an extent of Ac. 3.28 (or) 1.328 Hectors is illegal, arbitrary, contrary to the principles of natural justice and unconstitutional and consequently direct the Respondents not to interfere with the peaceful possession and enjoyment of the agricultural land situated in Survey No. 156/1 to an

extent of Ac. 0.74 Cents and in Survey No. 156/2 to to an extent of Ac. 3.28 Cents.

Counsel for the Petitioners: MR.T.S.VENKATARAMANA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in interfering with the possession of the petitioners' in respect of the land in Sy.No.156/1 to an extent of Acs.0.74 and the land in Sy.No.156/2 to an extent of Ac.3.28 as arbitrary and illegal.

The petitioners state that they have purchased the land in Sy.No.156/1 to an extent of Acs.0.74 and the land in Sy.No.156/2 to an extent of Acs.3.28 under different sale deeds and they have been in continuous possession and enjoyment of

the same as absolute owners of the said property. It is alleged that the officials of the first respondent have been taking steps to dispossess them highhandedly from the abovementioned land. Hence this writ petition.

The learned Government Pleader under instructions states that the land in question, which is classified as assessed waste dry, was originally assigned to one Sri Y. Appa Rao and subsequently the petitioners have purchased the same from the assignee. He also states that since the transfer of assigned lands is not permissible, the respondents have initiated proceedings under the provisions of A.P. Assignments (Prohibition of Transfers) Act, 1977 (for short the 'Act') and steps are being taken to recover the possession from the petitioners following due process of law.

In the circumstances, no adjudication is necessary on merits and accordingly the writ petition is disposed of granting liberty to the petitioners to raise all the objections as available under law in response to the notice that may be issued under the provisions of the Act. It is made clear that the respondents shall not interfere with possession of the petitioners' in respect of the land in question without fallowing the procedure as provided under the Act.

With the above direction, the Writ Petition is accordingly disposed of. No costs.

_____

G. ROHINI, J.

5th April, 2005

Js.

To

1 The District Collector, Visakhapatnam District.
2 The Mandal Revenue Officer, Chinagadili Mandal,

Visakhapatnam District.

3 Two CCs. to G.P. for Revenue, High Court Buildings, Hyderabad.

3 2 CD copies.